PLANNING AND ZONING COMMISSION
January 13, 2020 Meeting Minutes

These minutes are not official until approved at a subsequent meeting.

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Cindy Cooper, and Doug Wilson

Commission Members Absent: Alexa Brengi (Alternate), and Peggy Sayers (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner), and Dana Steele (Town Engineer)

I. Call to Order
Chairman Gannuscio called the meeting to order at 7:08 pm.

II. Roll Call
Commission roll call was taken.

Chairman Gannuscio commented on the sudden passing of Jim Szepanski, who was an integral part of this board and a very important member of this commission for almost ten years. There was no detail too small to slip his attention. He was also on the Police Commission at the same time, and we are deeply indebted for the years that we had him. He hopes Jim is at peace now.

III. Approval of Minutes from the December 9, 2019 Regular Meeting
It was MOVED (Gannuscio) and SECONDED (Zimnoch) and PASSED (Unanimous, 4-0) that the Planning and Zoning Commission approves the December 9, 2019 minutes as published.

IV. Public Hearings
Mr. Wilson read the rules for conducting a public hearing.

The Recording Secretary read the legal notice that was published in the Journal Inquirer on December 30, 2019 and January 8, 2020.

A. Amendment to the Multi-Family Special Development (MFSD) Zoning Regulations; Specifically, Sections 404 and 409

Jennifer Rodriguez, Town Planner, discussed her report dated December 9, 2019. Over the last several months the commission has been reviewing the multi-family special development regulations as a follow up to recent applicant-led change. Sections 404 g, 409 C.7 and 409 F contain a number of changes that the commission was interested in moving forward with. Ms. Rodriguez went on to discuss these changes. A formatting change in 409 F will be made in order to be consistent with
the other sections. The first paragraph starting with “A planting plan…” will become number 1; sections a through k will be listed as they are as subheadings; and the final paragraph will become number 2 instead of 3.

Ms. Rodriguez stated that this regulation change was sent to CRCOG. She proceeded to read a letter addressed to this commission which she received from CRCOG dated January 3, 2020. She did not receive any comments from adjacent towns.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in support of this application. Gary Merrigan, 560 Halfway House Road, spoke in favor of this application. The floor was then opened up for comments in opposition. There were none.

Chairman Gannuscio commented that this is something that the commission needs to do given the fact that there is no more land in Windsor Locks for larger subdivisions. It’s a means of being proactive. This presents a well thought out plan, and it was researched in other towns and regulations in order to come up with a good overall plan for this. If we want to continue with orderly development, this is something that we need to have in our regulations, and it offers a good basis for things. Mr. Wilson added that with these changes, these sections of the regulations make more sense to him now, and knowing the problems that occurred in other developments, it’s a way to avoid future problems. Ms. Rodriguez stated that the commission was interested in preserving a lot of the language that was in the flexible residential development regulations, and that’s why the commission originally referred to them in this regulation, but those that needed clarification and were not appropriate for a multi-family property have been amended. Where your multi-family regulations allow structures in close proximity to a sidewalk and a private road there’s not always the room for utilities and major trees and those types of things in what you’d consider the front yard, so this is a good amendment.

It was MOVED (Wilson) and SECONDED (Cooper) and PASSED (Unanimous, 4-0) that the Planning and Zoning Commission closes the public hearing on the amendment to the Multi-Family Special Development (MFSD) zoning regulations; specifically, Sections 404 and 409.

It was MOVED (Gannuscio) and SECONDED (Zimnoch) and PASSED (Unanimous, 4-0) that the Planning and Zoning Commission approves the changes that were discussed this evening to Sections 404 g, 409 C.7, and 409 F of the zoning regulations, with an effective date of February 1, 2020.

Chairman Gannuscio moved agenda item VIII.C.i up to this point in the meeting.
(VIII. New Business)

C. Informal Discussions

i. 209 Ella Grasso Turnpike (expansion of existing businesses/future parking requirements)

Attorney Paul Smith and Peter LaPointe, Vice President of Real Estate and Construction for Colvest Group, addressed the commission. Attorney Smith stated that Colvest has owned 209 Ella Grasso Turnpike since it was built. It is located across from Dunkin Donuts and at the corner of Elm and Ella Grasso Turnpike. Mr. LaPointe explained that it started out with a Starbucks, Quiznos, and Cold Stone Creamery. The end unit was to be a bank, but it never came to fruition. When the three businesses moved out, Pho 75 took the former Quiznos space, and Hot Heads Burrito took the former Cold Stone Creamery space. The Starbucks space has remained vacant, and the space on the end still has a dirt floor. The Pho 75 restaurant has been very successful, and the tenant is proposing to expand from his 1,800 square foot space to a 3,000 square foot space. That will increase the number of seats from 40 to 60. Pho 75 is eliminating the outside patio and would like to use the outside drive-through as a pick up window. There will be no speaker and no menu board. You would call or use the internet to order. Mr. LaPointe said their fear is if Pho 75 has 60 seats, that’s 25 parking spaces. Hot Heads is already there, consuming 12 spaces now, and they only have 49 parking spaces on site, leaving them with 12 spaces unaccounted for, with just those two restaurants, and two remaining vacant spaces (where Starbucks was and the space Pho 75 is moving out of). If they were both to lease as retail spaces they would require 24 parking spaces, so they would fall short. If they were to lease one as a bank and one as a retail space, that would take about 16 spaces, with 4 spaces short. Their concern is no matter how the mix works out, for a gross number of parking spaces based on each tenant’s requirement, they would be short 10 or 15 spaces. They’re hesitant to lease the larger space to Pho 75 and end up with two rental spaces they can’t lease.

Attorney Smith explained that Colvest’s concern is that they don’t want to lease their empty spaces only to find out they’re in violation of the town’s parking regulations. They met with Ms. Rodriguez to discuss this. He has two positions on this. One is that none of the proposals would require any sort of special use permit at this point. Secondly, it is to a certain degree a self-correcting site. Here there is no opportunity for anyone to park on the road, not on Elm Street and not on Route 75, given the nature of what’s there. He regards this as something that falls under section 705 of the regulations where you have that combined parking issue—you have a plaza and how those uses interspace in terms of parking, how they flow. You don’t necessarily need to meet the total parking area requirements for the building, given the fact that uses may share. Mr. LaPointe commented that with the two restaurants, there are two peak times, lunch and dinner, so there is no one out there in the morning or between those meal time peaks. This is what they
would like to be able to capitalize on. Attorney Smith pointed out that Colvest is trying to be pro-active by informally discussing this with the commission. At this point they don’t see any prohibition about letting Pho 75 expand; they’re just concerned that this in and of itself doesn’t create an avenue of foreclosure to have other uses in the vacant spaces. He doesn’t think it does, but they may have to try to do something creative to expand the parking depending on what new uses come in. There are some possibilities to add some spaces. Mr. LaPointe noted that there are two approaches. One is a physical change to the site, but their possibilities are limited, and the other is taking advantage of shared parking.

Mr. Wilson asked what the total square footage of the building is that is leasable. Mr. LaPointe replied, “The building itself is 7,975 square feet, but if you multiply that times 85%, that’s probably what the leasable area is. Some are a little less than 15% for back room and lavatories, and some are a little bit more.”

Mr. Wilson asked if the regulations have accommodation for mixed use. Attorney Smith responded that under Section 705, subsection B, it calls for a shared parking concept which they have used in the past with the commission. Mr. Steele noted that the last sentence in that subsection says, “unless otherwise approved by the commission.” So you need one space per use, and it can’t overlap unless the commission says it can.

Mr. LaPointe reiterated that they were hoping for some direction from the commission so they don’t end up with two vacant spaces forever and were wondering if shared parking was a possible way around it. Attorney Smith added that in a sense this is self-correcting. If you have restaurants and there is over parking, you just lose customers. Colvest is looking for some level of comfort that they can manage this properly without shooting themselves in the foot. Mr. Steele commented that the applicant is just asking if they come in with a specific use the commission going to hold to a very rigid interpretation of the parking calculations based on the square footage alone or will they consider the actual use and the times and so forth in making allowances. Attorney Smith replied that his experience has been that the commission has been somewhat receptive to the collateral sharing if they think it works.

Chairman Gannuscio remarked that Colvest is being mindful of who they entertain as potential future tenants to offset the busy times. Mr. Zimnoch commented that Section 705B certainly has that provision for shared parking, and in a way it is self-regulating. Chairman Gannuscio asked if there will have to be an increased number of handicapped spaces with this expanded space. Mr. Steele replied no, that this is based on the number of spaces not on the size of the building. Chairman Gannuscio asked if there are any spaces on the current layout that are back-to-back. Attorney Smith replied no, they are all single. Chairman Gannuscio stated that he thinks this would be a workable solution with some liberal interpretation in terms of the sharing and some careful screening of potential new tenants. There was a brief discussion about the wedge of land at the intersection and who owns it.
V. **Reviews** (none)

VI. **Action on Closed Public Hearing Items** (none)

VII. **Old Business**

A. **Discussion with Commission and Staff**

i. **Letters received regarding bowling alley**

Chairman Gannuscio mentioned two angry letters that were received regarding the bowling alley in town which were addressed to the Mayor of Windsor instead of Chris Kervick. The owner complained that he has invested this money in the renovations at the bowling alley, and people are entitled to have light and safety in the parking lot but the commission won’t let him do that. Chairman Gannuscio pointed out that when their parking lot was redone a lot of time was spent discussing giving them options on what they needed to do regarding the lighting. The letter said the commission was being far too rigid in interpreting the regulations and safety should be our paramount concern not spillage of light off site.

ii. **Language regarding bonds for private multi-family developments**

Mr. Wilson stated that he found some language from Cheshire’s regulations regarding bonds for private multi-family developments. It is technically coming out of age restricted multi-family developments, but it’s *a propos* to what is happening with Chapman Chase.

43.4.9 Additional Requirements

a) A Community Association must be established and maintained prior to the issuance of the first Certificate of Occupancy.

c) The applicant shall provide the community association with a bond for all uncompleted common area improvements similar in all material respect to the bond required pursuant to Section 10 of the Subdivision Regulations. The amount of the bond, for all uncompleted common area improvements shall be determined by a Licensed Professional Engineer. No portion of the bond shall be released until a Licensed Professional Engineer certifies to the Community Association that common area improvements covered by the bond have been completed. A copy of the certified documents shall be provided to the Planning staff who shall verify the completion of the improvements prior to the release of any portion of the bond.

A lengthy discussion took place regarding the bonding of common elements in multi-family developments. Mr. Steele stated there are legal questions that we should get the Town Attorney’s opinion on.
B. Action Items (none)

VIII. New Business

A. Public Input (none)

B. Receive New Applications (none)

D. Action Items (none)

ii. Budget review

Chairman Gannuscio stated that the Planning and Zoning Commission’s budget has to be submitted by February 1, and the Board of Finance is asking for a zero percent increase. He plans to ask for an increase in the Recording Secretary’s line. This year’s budget was $9,771.

i. Appointment of CRCOG Regional Planning Committee member

It was MOVED (Gannuscio) and SECONDED (Zimnoch) and PASSED (Unanimous, 4-0) that the Planning and Zoning Commission appoints Cindy Cooper as a full member of the CRCOG Regional Planning Committee and Peggy Sayers as an alternate.

IX. Communications and Bills (none)

X. Adjournment

It was MOVED (Gannuscio) and SECONDED (Cooper) and PASSED (Unanimous, 4-0) that the Planning and Zoning Commission adjourns the January 13, 2020 meeting at 8:50 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary